

**KERR & WAGSTAFFE LLP**

James M. Wagstaffe (#95535)  
Frank Busch (#258288)  
101 Mission Street, 18th Floor  
San Francisco, CA 94105  
Telephone: (415) 371-8500  
Facsimile: (415) 371-0500  
wagstaffe@kerrwagstaffe.com  
busch@kerrwagstaffe.com

*Proposed Liaison Counsel for the Class*

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

KALMAN ISAACS, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

ELON MUSK and TESLA, INC,

Defendants.

Case No. 3:18-cv-04865-EMC

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
MOTION FOR CONSOLIDATION,  
APPOINTMENT AS LEAD PLAINTIFF  
AND APPROVAL OF SELECTION OF  
COUNSEL**

Date: November 15, 2018  
Time: 1:30 p.m.  
Courtroom: 5 – 17th Floor  
Judge: Hon. Edward M. Chen

WILLIAM CHAMBERLAIN, Individually  
and on Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA INC., and ELON MUSK,

Defendants.

Case No. 3:18-cv-04876-EMC

JOHN YEAGER, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON MUSK,

Defendants.

Case No. 3:18-cv-04912-EMC

CARLOS MAIA, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON R. MUSK,

Defendants.

Case No. 3:18-cv-04939-EMC

KEWAL DUA, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON MUSK,

Defendants.

Case No. 3:18-cv-04948-EMC

JOSHUA HORWITZ, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA INC., and ELON R. MUSK,

Defendants.

Case No. 3:18-cv-05258-EMC

ANDREW E. LEFT, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA INC., and ELON R. MUSK,

Defendants.

Case No. 3:18-cv-05463-EMC

*(caption continues on the following page)*

ZHI XING FAN, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

TESLA INC., and ELON R. MUSK,

Defendants.

Case No. 4:18-cv-05470-EMC

SHAHRAM SODEIFI, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC., a Delaware corporation, and  
ELON R. MUSK, an individual,

Defendants.

Case No. 3:18-cv-05899-EMC

1 Having considered the Motion of Andrew E. Left, PROtecto Informatikai Szolgáltató  
 2 Korlátolt Felelősségű Társaság, Thierry Boutin, Dr. Abrar Shirazi, and Vilas Capital  
 3 Management, LLC (collectively, the “Tesla Investor Group”) for consolidation of the above-  
 4 captioned related actions, appointment as Lead Plaintiff and approval of selection of Counsel  
 5 (the “Motion”), and good cause appearing therefor, the Court ORDERS as follows:

6 1. The Motion is granted.

7 2. The above-captioned related actions are consolidated for all purposes (the  
 8 “Action”). This Order (the “Order”) shall apply to the Action and to each case that relates to the  
 9 same subject matter that is subsequently filed in this Court or is transferred to this Court, and is  
 10 consolidated with the Action.

11 3. A Master File is established for this proceeding. The Master File shall be Civil  
 12 Action No. 3:18-cv-04865-EMC. The Clerk shall file all pleadings in the Master File and note  
 13 such filings on the Master Docket.

14 4. Every pleading in the Action shall have the following caption:

15 IN RE TESLA INC. SECURITIES  
 16 LITIGATION

Civil Action 3:18-cv-04865-EMC

17  
 18 5. Each new case that arises out of the subject matter of the Action shall be  
 19 consolidated with the Action. This Order shall apply thereto, unless a party objects to  
 20 consolidation (as provided for herein), or to any provision of this Order, within ten (10) days  
 21 after the date upon which a copy of this Order is served on counsel for such party by filing an  
 22 application for relief, and this Court deems it appropriate to grant such application. Nothing in  
 23 the foregoing shall be construed as a waiver of Defendants’ right to object to consolidation of  
 24 any subsequently-filed or transferred related action.

25 6. The Tesla Investor Group is appointed to serve as Lead Plaintiff in the Action  
 26 pursuant to 15 U.S.C. § 78u-4(a)(3)(B).

27 7. The Tesla Investor Group’s selection of Keller Lenkner LLC and Labaton  
 28 Sucharow LLP as Co-Lead Counsel and Kerr & Wagstaffe LLP as Liaison Counsel for the Class

1 in the Action is approved pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v). Co-Lead Counsel shall  
2 have the authority to speak for all Plaintiffs and Class members in all matters regarding the  
3 litigation, including, but not limited to, pretrial proceedings, motion practice, trial, and  
4 settlement. Co-Lead Counsel shall make all work assignments in such a manner as to facilitate  
5 the orderly and efficient prosecution of this litigation, and to avoid duplicative or unproductive  
6 effort. Additionally, Co-Lead Counsel shall have the following responsibilities:

- 7 a. to brief and argue motions;
- 8 b. to initiate and conduct discovery, including, but not limited to,  
9 coordination of discovery with Defendants' counsel, and the preparation  
10 of written interrogatories, requests for admissions, and requests for  
11 production of documents;
- 12 c. to direct and coordinate the examination of witnesses in depositions;
- 13 d. to act as spokesperson at pretrial conferences;
- 14 e. to call and chair meetings of Plaintiffs' counsel as appropriate or  
15 necessary from time to time;
- 16 f. to initiate and conduct any settlement negotiations with Defendants'  
17 counsel;
- 18 g. to provide general coordination of the activities of Plaintiffs' counsel and  
19 to delegate work responsibilities to selected counsel as may be required, in  
20 such a manner as to lead to the orderly and efficient prosecution of this  
21 litigation and to avoid duplication or unproductive effort;
- 22 h. to consult with and employ experts;
- 23 i. to receive and review periodic time reports of all attorneys on behalf of  
24 Plaintiffs, to determine if the time is being spent appropriately and for the  
25 benefit of Plaintiffs, and to determine and distribute Plaintiffs' attorneys'  
26 fees; and
- 27 j. to perform such other duties as may be expressly authorized by further  
28 order of this Court.

1 IT IS SO ORDERED.

2 DATED: \_\_\_\_\_

3 HONORABLE EDWARD CHEN  
4 UNITED STATES DISTRICT JUDGE  
5 NORTHERN DISTRICT OF CALIFORNIA  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28